

Docket No.: T0803.0002/P002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David Theiler

Application No.: 10/689,610

Confirmation No.: 4815

Filed: October 22, 2003

Art Unit: 3623

For: METHOD AND APPARATUS FOR
MANAGING WORK FLOW

Examiner: J. D. Sterrett

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests a review of the legal and factual bases for the rejections in the above-identified patent application. Pursuant to the guidelines set forth in the Official Gazette Notice of July 12, 2005 for the Pre-Appeal Brief Conference Program, favorable reconsideration of the subject application is respectfully requested in view of the following remarks.

Claims 1-20 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. (US 7,035,809) in view of MSProject (User's Guide for Microsoft Project). This rejection is respectfully traversed. In order to establish a *prima facie* case of obviousness "the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. §2142. Applicant submits that neither Miller et al. nor MSProject, even when considered in combination, teaches or suggests all limitations of independent claims 1, 8, 12, or 22.

Claim 1 recites a method for creating a workflow process management application, "wherein said workflow process management application, when executed by said computer, permits a user to: ... generate worker assignments ...; said workflow process management application using said report to automatically generate subsequent worker assignments without further interaction with the user" (emphasis added). Claims 8, 12, and 22 recite similar limitations. Applicant respectfully submits that Miller et al. and MSProject, even when combined, do not teach or suggest these limitations.

To the contrary, MSProject teaches, with regard to the leveling operation, that "leveling simply delays certain tasks in your schedule until the resources assigned to them are no longer overallocated." Page 65, ln. 24-25 (emphasis added), *See also* page 69, ln. 6-7. MSProject also teaches that "it can't substitute a resource on an overallocated task or change the task's duration." Page 69, ln. 15-16. Therefore, MSProject is capable only of pushing back in time existing tasks, not generating new subsequent tasks.

MSPProject further teaches that “Microsoft Project cannot take into account all of the subtle things you know about your project. So you should always review the leveling changes made by Microsoft Project to make sure that the solution is what you want.” Page 65, ln. 25-28 (emphasis added), *See also* page 69, ln. 14-15, 18-20. Thus, MSPProject requires further user interaction, which is in direct contrast to the claimed invention.

Accordingly, Applicant respectfully submits that MSPProject does not disclose, teach, or suggest automatically generating subsequent worker assignments without further interaction with the user, as recited in claims 1, 8, 12, and 22.

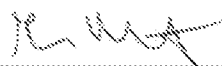
Nor is Miller et al. cited for these limitations. In fact, the Office Action at page 5 admits that Miller et al. does not disclose, teach or suggest these limitations. Thus, Miller et al. does not remedy the deficiencies of MSPProject.

Since Miller et al. and MSPProject do not teach or suggest all of the limitations of claims 1, 8, 12, and 22, claims 1, 8, 12, and 22 are not obvious over the Miller et al. and MSPProject combination. Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of the claimed invention be withdrawn and the claims allowed.

Applicant respectfully submits that the pending claims are patentable over Miller et al. and MSPProject. Applicant reserves the right to pursue additional arguments on appeal, especially with respect to the dependent claims. Favorable consideration and a Notice of Allowance are solicited.

Dated: November 30, 2007

Respectfully submitted,

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